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SFR Investments Pool 1, LLC

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

CARRINGTON MORTGAGE SERVICES,
LLC,

Plaintiff,

vs.

TAPESTRY AT TOWN CENTER
HOMEOWNERS ASSOCIATION; TERRA
WEST COLLECTIONS GROUP LLC; SFR
INVESTMENTS POOL 1, LLC; DOE
INDIVIDUALS I-X, inclusive; and ROE
CORPORATIONS I-X, inclusive,

Defendants.

Case No.: 2:17-cv-01047-RFB-PAL

**SFR INVESTMENTS POOL 1, LLC'S
DEMAND FOR SECURITY OF COSTS
PURSUANT TO NRS 18.130(1)**

**SFR INVESTMENTS POOL 1, LLC'S DEMAND FOR SECURITY OF COSTS
PURSUANT TO NRS 18.130(1)**

Defendant SFR INVESTMENTS POOL 1, LLC ("SFR") hereby demands that Plaintiff CARRINGTON MORTGAGE SERVICES, LLC ("CARRINGTON" or "Lender"), an out-of-state resident, post a cost bond pursuant to NRS 18.130(1).

In Nevada, if a plaintiff resides outside of Nevada or is a foreign corporation, like the Lender, "security for the costs and charges which may be awarded against such plaintiff may be required by defendant, by the filing and service on plaintiff of a written demand therefor within the time limited for answering the complaint." NRS 18.130(1). When a defendant demands a

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1 cost bond, “all proceedings in the action shall be stayed” until plaintiff files “an undertaking,
 2 executed by two or more persons, to be filed with the clerk, to the effect that they will pay such
 3 costs and charges as may be awarded against the plaintiff by judgment, or in the progress of the
 4 action” or “in lieu of such undertaking, the plaintiff may deposit \$500, lawful money, with the
 5 clerk of the court.” *Id.* “After the lapse of 30 days from the service of notice that security is
 6 required, or of an order for new or additional security, upon proof thereof, and that no
 7 undertaking as required has been filed, the court or judge may order the action to be dismissed.”
 8 NRS 18.130(4).

9 “It is the policy of the United States District Court for the District of Nevada to enforce
 10 the requirements of NRS 18.130 in diversity actions.” *Feagins v. Trump Organization*, 2012 WL
 11 925027 (D. Nev.)(citing *Hamar v. Hyatt Corp.*, 98 F.R.D. 305, 305-6 (D. Nev. 1983); *Arrambide*
 12 *v. St. Mary’s Hosp., Inc.*, 647 F.Supp. 1148, 1149 (D. Nev. 1986)).

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1 Here CARRINGTON is not a Nevada citizen, but rather a national mortgage services
2 company organized under the laws of the United States, with its main office located in Delaware.
3 Accordingly, SFR demands that the Lender post a \$500 cost bond within thirty (30) days and
4 that the proceedings be stayed until such cost bond is posted. Should the Lender fail to comply
5 with the requirements of NRS 18.130 within thirty (30) days, SFR requests this action be
6 dismissed.

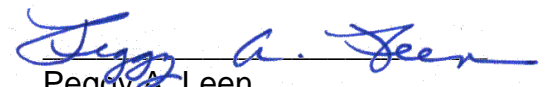
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8 DATED this 25th day of May, 2017.

9 **KIM GILBERT EBRON**

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27 *SFR Investments Pool 1, LLC*

28 **IT IS ORDERED** that, as the court has approved the parties' Stipulation and Order
for Security of Costs, the Motion is **DENIED as moot**.

Dated: June 12, 2017


Peggy A. Leen
United States Magistrate Judge

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CERTIFICATE OF SERVICE

I hereby certify that on the 25th day of May, 2017, pursuant to FRCP 5(b)(2)(E), I caused service of a true and correct copy of the foregoing **SFR INVESTMENTS POOL 1, LLC'S DEMAND FOR SECURITY OF COSTS PURSUANT TO NRS 18.130(1)** to be made electronically via the U.S. District Court's Case Management/Electronic Case Files (CM/ECF) system upon the following parties at the e-mail addresses listed below:

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